

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Charlotte Bryant

Plaintiff(s),

- against -

City of New York, et al.

Defendant(s).

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DATE FILED: AUG 22 2008

07 Civ. 10505 (PAC)

**Second Amended**  
CIVIL CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER

This Civil Case Management Plan, submitted in accordance with Rule 26(f), Fed. R. Civ. P., is adopted as the Scheduling Order of this Court in accordance with Rule 16(f), Fed. R. Civ. P.

1. All parties (consent) (do not consent) to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). [Circle one.] [If all consent, the remaining paragraphs need not be completed.]
2. This case (is) (is not) to be tried to a jury. [Circle one.]
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within N/A days from the date of this Order. [Absent exceptional circumstances, thirty (30) days.]
4. Initial disclosure pursuant to Rules 26(a)(1), Fed. R. Civ. P., shall be completed not later than N/A days from the date of this Order. [Absent exceptional circumstances, fourteen (14) days.]
5. All fact discovery shall be completed no later than 12/12/2008. [A period not to exceed 120 days, unless the Court finds that the case presents unique complexities or other exceptional circumstances.]
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided all fact discovery is completed by the date set forth in paragraph 5 above:
  - a. Initial requests for production of documents to be served by N/A
  - b. Interrogatories to be served by N/A
  - c. Depositions to be completed by 12/12/2008

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- d. Requests to Admit to be served no later than 11/12/2008.
7. a. All expert discovery shall be completed no later than 1/26/2009.  
[Absent exceptional circumstances, a date forty-five (45) days from the date in paragraph 5, i.e. the completion of all fact discovery.]
- b. No later than thirty (30) days prior to the date in paragraph 5, i.e. the completion of all fact discovery, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) plaintiff(s)' expert report(s) shall be due before those of defendant(s)' expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 7(a).
8. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements.
9. All counsel must meet face-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery.
10. a. Counsel for the parties have discussed an informal exchange of information in aid of an early settlement of this case and have agreed upon the following:  
N/A
- b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. Counsel for the parties propose the following alternate dispute resolution mechanism for this case:  
settlement conference before Magistrate Judge
- c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph b, be employed at the following point in the case (e.g. within the next sixty days; after the deposition of plaintiff is completed (specify date); after the close of fact discovery)  
mid-November
- d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.
11. The Final Pretrial Submission Date is thirty (30) days following the close of fact and expert discovery (whichever is later). By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions in limine (for which the premotion conference requirement is waived) shall be

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filed by the Final Pretrial Submission Date. If this action is to be tried before a jury, proposed voir dire, jury instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Rule 51(a)(2)(A), Fed. R. Civ. P. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted by the Final Pretrial Submission Date.

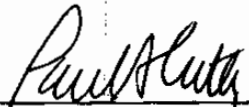
12. Counsel for the parties have conferred and their present best estimate of the length of trial is:  
5-7 days
- 13.

Civil Case Management Plan Requirement	
Motion to amend or to join additional parties to be filed no later than:	N/A
Initial Disclosure pursuant to Rule 26(a)(1), Fed.R.Civ.P. to be served no later than	N/A
All fact discovery to be completed no later than:	12/12/2008
Discovery - initial requests for production of documents to be served no later than:	N/A
Discovery - interrogatories to be served no later than:	N/A
Discovery - depositions to be completed no later than:	12/12/2008
Discovery - requests to admit to be served no later than:	11/12/2008
All expert discovery to be completed no later than:	1/26/2009
Parties to meet to confer on scheduled for expert disclosures no later than:	12/5/2008
All counsel to meet face-to-face to discuss settlement no later than:	10/30/2008
Date recommended by counsel for alternate dispute resolution:	11/14/2008

TO BE COMPLETED BY THE COURT:

14. The next Case Management is scheduled for Monday, November 17, 2008 at 3:45 pm in Courtroom 20-C.

This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend shall be made in a written application in accordance with paragraph 1(E) of the Court's Individual Practices and shall be made no less than two (2) days prior to the expiration of the date sought to be extended.

  
 Paul A. Crotty  
 United States District Judge

Dated: New York, New York  
August 22, 2008



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

MICHAEL A. CARDOZO  
Corporation Counsel

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August 21, 2008

VIA FACSIMILE (212) 805-6304  
Honorable Paul A. Crotty  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Charlotte Bryant v. City of New York, et al.  
07 Civ. 10505 (PAC)

Dear Judge Crotty:

I am an Assistant Corporation Counsel in the Labor and Employment Law Division of the New York City Law Department and the attorney assigned to the defense of this action. I am writing on behalf of all parties to respectfully request an extension of discovery from September 12, 2008 until December 12, 2008. Although the parties have been proceeding with discovery, a delay in receiving necessary documentation regarding plaintiff from a third party, for which a release has been properly executed, has effectively stalled discovery for the time being. As such, defendants have not yet been able to notice plaintiff's deposition. Moreover, I am scheduled to begin a 2-3 week trial before the Honorable Jed S. Rakoff on September 8, 2008, and Mr. Lichtmacher has a trial scheduled for October 14, 2008. Furthermore, the parties have had productive conversations regarding the possibility of settlement, and we are still hopeful that we can resolve this matter without the Court's assistance. Mr. Lichtmacher consents to this request and this is the parties' second request for an extension of time to complete discovery.

In view of the foregoing, it is respectfully requested that Your Honor grant the parties' request for an extension of time to complete discovery until December 12, 2008, and "so order" the attached amended Civil Case Management Plan and Scheduling Order.

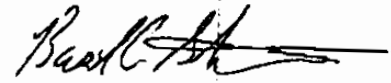
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Fax: 212-788-8877

NYC LAW DEPARTMENT

Thank you for your consideration in this regard.

Respectfully submitted,



Basil C. Sitaras (BS-1027)  
Assistant Corporation Counsel

cc: Fred Lichtmacher, Esq. (via facsimile (212) 922-9077)  
Attorney for Plaintiff